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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR-09-00313 RMW
)	
Plaintiff,)	STIPULATION AND
)	□ ORDER REGARDING
v.)	DEFENDANT'S MOTION TO DISMISS
)	
KURTIS THORSTED,)	Date: September 28, 2009
)	Time: 9:00 a.m.
Defendant.)	Judge: Hon. Ronald M. Whyte
)	

The defendant, Kurtis Thorsted, represented by Cythnia Lie, Assistant Federal Public Defender, and the government, Grant P. Fondo, Assistant United States Attorney, hereby stipulate as follows:

1. On July 6, 2009 defendant, pleading open, pleaded guilty to Count Three of the nine count Information. The government requested a trial date as to the remaining eight counts, and the court set a trial date of October 26, 2009.

Stipulation re Motion To Dismiss
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2. On August 17, 2009 the defendant filed a motion to dismiss certain counts in the Information. The Court is scheduled to hear defendant's motion on September 28, 2009 at 9:00 a.m.

3. The parties are currently discussing a resolution to defendant's motion and possible resolution of this matter in its entirety.

4. Therefore, the parties request that the defendant's motion, currently scheduled for September 28, 2009 be taken off calendar, and that the Court instead hold a status conference on that date.

DATED: September 9, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

_____/S/_____
GRANT P. FONDO
Assistant United States Attorney

_____/S/_____
CYNTHIA LIE
Assistant Federal Public Defender
Counsel for Defendant

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Stipulation re Motion To Dismiss
09-00313 RMW

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court finds that:

1. Defendant's motion to dismiss the Information, filed on August 17, 2009 is taken off calendar, without prejudice to defendant to re-notice his motion.

2. The September 28, 2009 hearing on defendant's motion is vacated, and instead the parties shall appear for a status conference on that date.

IT IS SO ORDERED.

DATED: 9/22/09


RONALD M. WHYTE
United States District Judge